

PURPOSE OF AND NEED FOR THE PLAN



Executive Summary

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INTRODUCTION

The purpose of the federal action is to adopt a general management plan for the newly established Mojave National Preserve, created in 1994 by the California Desert Protection Act. The goal of the general management plan is to determine how best to manage the new unit to meet the Congressional intent as expressed in the California Desert Protection Act, the mission of the National Park Service, and the requirements of all federal laws applicable, including the Endangered Species Act.

The need for a management plan for this new park unit is called for in two separate laws. The National Parks and Recreation Act of 1978 (P. L. 95-625) requires the National Park Service to prepare general management plans for each park unit. The act specifies that general management plans address measures for the preservation of the area's resources, the types and general intensities of development, visitor carrying capacities and potential boundary modifications. Section 512 of the California Desert Protection Act also directs that a comprehensive management plan be prepared. This plan is to place emphasis on the historical and cultural sites and ecological and wilderness values in the Preserve. It also calls for the evaluation of the feasibility of using the Kelso Depot and the existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs. It also specifies that the plan address the needs of individuals with disabilities in the design of services, programs, accommodations, and facilities.

A management plan is also needed to address the diverse land uses and conflicting mandates facing this new park unit. Mojave National Preserve is a new unit of the National Park system, and the National Park Service is directed by Congress to manage the area in accordance with all the laws and regulations applicable to all park units. Designation of Mojave as a park unit means that Congress specifically provided for the preservation of its unique resources in perpetuity. Mojave is now one of 379 units in the United States that are recognized worldwide as the best natural and cultural areas that represent the diverse ecosystems and unique heritage of this country. In addition to its preservation mission, the NPS is also directed to allow continued uses such as grazing, mining, and hunting in the Preserve. These consumptive uses have the potential to create conflicts with the purpose of the unit and a balance must be found through the development of a management plan. An evaluation must be undertaken of available management options that would comply with the mandates of the California Desert Protection Act, the National Park Service Organic Act, the Endangered Species Act, and all other applicable federal laws.

Given this complex task, the National Park Service sought to explore alternatives that would result in an implementable management plan that complies with all these diverse mandates and meets the purpose and need as highlighted above. Alternatives that require legislation or are contrary to specific Congressional direction, or National Park Service regulations or policy, or require vast sums of funding to implement, would create unreasonable expectations on the part of the public and would not serve the need of creating an implementable management plan for this new unit. Therefore, only alternatives that explore the range of options for managing uses mandated by Congress are being considered.

This plan addresses these issues, except for potential boundary modifications. National Park Service criteria for examining potential boundary modifications in a general management plan are done with the purpose of adding lands with significant resources or opportunities, or that are critical to fulfilling the park mission. No such suggestions for boundary adjustments were received during scoping. To create a boundary change proposal to exclude land from the park or from wilderness would be highly controversial and would not fit the NPS criteria for boundary adjustments. During the prolonged debate over the creation of the Mojave National Preserve the boundaries were subjected to

considerable scrutiny and debate in Congress. The National Park Service believes a comprehensive examination of potential boundary modifications at this time is unwarranted and should be delayed until the National Park Service has managed the area with the existing boundaries for several years to determine if there are areas where adjustments are justified.

A *Land Protection Plan* for Mojave National Preserve and a development concept plan for the Kelso Depot are also included as components of this planning effort. The *Land Protection Plan* (appendix C) provides the management strategy for nonfederal lands and interests that occur within the boundary of the Preserve. Nearly 230,000 acres of the Preserve were in private, local, or state ownership until the recent acquisition of 80,706 acres of Catellus lands. The Kelso Depot development concept plan provides details regarding the proposal to rehabilitate the depot for use as a museum and interpretive facility. Section 512 of the California Desert Protection Act requires that the management plan address the feasibility of using the depot for interpretation, education and scientific purposes.

BRIEF DESCRIPTION OF MOJAVE NATIONAL PRESERVE

Mojave National Preserve is a new 1.6 million-acre unit of the National Park Service, established by Congress on October 31, 1994, by the California Desert Protection Act (CDPA). Mojave National Preserve is a vast expanse of desert lands that represents a combination of Great Basin, Sonoran, and Mojave desert ecosystems. This combination allows a visitor to experience a wide variety of desert plant life in combinations that exist nowhere else in the United States in such proximity.

Located in southern California, the desert area is a land of mountain ranges, sand dunes, great mesas and extinct volcanoes. Mojave contains several diverse mountain ranges, the Kelso dune system, dry lake beds and evidence of volcanic activity (domes, lava flows, cinder cones). Plant and animal life complement the geological features. Mojave contains the finest Joshua tree forest in the world. Providence Mountain State Recreation Area (Mitchell Caverns), the University of California's Granite Mountains Natural Reserve, and California State University's Soda Springs Desert Studies Center at Soda Springs are also within the boundaries.

Mojave is bounded to the north and south by major interstate highways, I-15 and I-40. The Nevada-California stateline makes up most of the eastern boundary. Located about half way between Las Vegas and Joshua Tree National Park, it is an area that many people have seen through their windshields, but few have taken time to explore.

Of the Preserve's 1.6 million acres, about 700,000 acres are designated wilderness. In addition, about half is designated as critical habitat for the federally listed threatened desert tortoise.

Evidence of the early human uses includes archeological sites, possibly dating back to 12,000 years. Historic features, such as mail and trade/travel routes, ranching, farming, and mining, are abundant and often well preserved. The old Union Pacific train depot at Kelso serves as a wonderful reminder the railroading hey-days of the 1920s. The collection of buildings at Soda Springs, called Zzyzx, built by Curtis H. Springer also has a remarkably interesting tale to tell of this most unusual man. These two features and many more, such as Fort Piute, Government Holes, and Ivanpah town sites add to the very rich history of the Preserve.

FIGURE 1. REGION

PLANNING ISSUES AND MANAGEMENT CONCERNS

NPS PLANNING PROCESS

The NPS planning process involves several levels of planning that become increasingly more detailed and complementary. General management plans represent the first phase of a tiered planning system for parks and provide the overall management framework under which other more detailed activity plans are developed. General management plans are broad in scope rather than specific, and focus on purposes of the unit, its significant attributes, its mission in relation to the overall mission of the agency, activities that are appropriate within these constraints, and what resource conditions and visitor experiences should exist there. They also provide guidelines for visitor use and development of facilities for visitor enjoyment and administration. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done.

ISSUE ANALYSIS AND DEVELOPMENT OF ALTERNATIVES

In the early stages of this planning process, the planning team developed a list of issues from its own research and from input received from the Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service, as well as from state, local, and other federal agencies and from the public through a series of public meetings held in September of 1995. An agency meeting was held in Barstow, California, and the public meetings were held in Baker, Barstow, Furnace Creek, Independence, Lone Pine, Needles, Pasadena, San Bernardino, and Ridgecrest, California, and in Las Vegas, Nevada. A summary of the scoping process and issues developed from the public and from intra-agency and interagency scoping meetings is in the "Consultation and Coordination" section.

The alternatives presented within this document address the options for dealing with the issues and information gathered during the scoping process. The planning team compiled and reviewed the information discussed at the scoping meetings and determined which issues were compatible with various laws, the National Park Service mission, and the purpose and significance of Mojave National Preserve and were therefore appropriate to be analyzed within this document. The process used to evaluate the scoping information primarily involved sorting the issues into categories. There were five categories:

- 1) Items that were statements or background information and not issues requiring analysis (for example, the National Park Service might need money or volunteers to maintain trails, the Barstow-Daggett airport needs to be expanded)
- 2) Issues that were operational and not suitable for discussion in a long term planning document included the need for more maps for the public.
- 3) Issues not within the National Park Service jurisdiction such as banning military aircraft from NPS units.
- 4) Issues considered, but not suitable for analysis (see Planning Constraints and Mandates and Actions Considered as Alternatives but Rejected).
- 5) Issues appropriate for this planning effort's analysis and discussion. These last issues are listed below and are described in detail in the alternative sections.

Once the planning team identified those issues that could be addressed, the team took the following steps:

- became familiar with the planning area and its resources through the literature and tours of the planning area
- began development of a GIS database to be used in mapping and analyzing various factors
- resolved and developed the formats for the documents
- developed the NPS units' significance and purposes statements
- held open houses for BLM, Death Valley, and Mojave staff to update them on the planning team's progress
- met with local government representatives
- met with Timbisha Shoshone, Ft. Mohave, Chemehuevi and San Manuel tribal members
- met numerous times with the Mojave National Preserve's Advisory Commission, Death Valley National Park's Advisory Commission, and the BLM Advisory Council
- met with staff of the University of California's Granite Mountains Natural Reserve
- developed the scope and direction for a contracted socioeconomic analysis
- identified the affected environment and described it in a written narrative

With the list of the issues identified, the planning staff developed conceptual alternatives. These concepts were sent to the public in a March 1997 newsletter. In April 1997 the planning staff held public workshops at the same locations as described in the above paragraph (with Bishop, California substituted for Independence). Participants at these workshops discussed the proposed alternatives with the planning team. Following public input, an agency meeting was held in Barstow in May 1997 to gather staff input. This input was used in preparation of the 1998 *Environmental Impact Statement / General Management Plan* for Mojave National Preserve and the 1998 *Environmental Impact Statement / General Management Plan* for Death Valley National Park. These documents were released for public review in October 1998.

In February 1998 the Bureau of Land Management assumed responsibility for the preparation of their plan amendment and draft environmental impact statement for public lands in the northern and eastern Mojave planning area. Using the previously mentioned scoping, they conducted additional scoping meetings and began preparation of a draft California Desert Conservation Area Plan Amendment / Environmental Impact Statement. Their draft plan is due for release at about the same time as the revised NPS park draft plans.

Approximately 450 printed copies of the 1998 *Draft Environmental Impact Statement / General Management Plan* (DEIS / GMP) were distributed for review. In addition, about 100 CD-ROMs containing both 1998 draft park plans were also sent. The entire draft plan was also posted on the internet with links from the park's homepage and the Northern and Eastern Mojave planning page. The notice of availability was published in the *Federal Register* by the Environmental Protection Agency on September 11, 1998 (FR 48727). Written comments were accepted from September 11, 1998 through January 15, 1999, a period of 127 days. Eleven public meetings were held in October 1998 throughout the planning region of southern California and southern Nevada. At these meetings a form was provided for the public to write specific comments that they desired to be addressed by the planning team.

In addition, the planning team attended and participated in numerous meetings of the Mojave Advisory Commission to obtain their feedback, concerns, and direction regarding the development of the general management plan.

Mojave received approximately 390 comment letters from government agencies, tribes, interest groups, and individuals (see appendix G for a complete list). In addition, members of environmental groups (National Parks and Conservation Association, The Sierra Club, and The Wilderness Society) sent in approximately 1,800 identical postcards. Several additional letters and postcards were received after the closing date for public comments. Based largely on public comments on that draft plan, the National Park Service made substantial revisions to the 1998 draft plan. This revised draft is being circulated for additional public review. Responses to comments received on the 1998 draft plan are available as a separately bound report.

ISSUES IDENTIFIED DURING PUBLIC SCOPING

The following list of issues was derived from a series of public meetings throughout the planning area in September 1995 and from written comments received.

Visitor Use and Administration

- The public needs maps showing access, wilderness, desert tortoise critical habitat, land status, and hunting areas.
- Careful consideration should be given to visitor service locations, including analysis of the use of private facilities outside NPS boundaries to provide certain visitor services. An evaluation of volunteer use should be included in the plan.
- Anticipate an increase in the Southern California and Las Vegas populations and prepare for increased use of the area while still providing a quality experience for visitors.
- Address policy on pets throughout planning area.

Interpretation

- Identify the anticipated visitors (including foreign tourists) and identify their needs and expectations while visiting the planning area.
- The need for visitor information and interpretation services for visitors on the trains that pass through the Preserve should be evaluated.
- The need for interpretation of significant resources and tours should be evaluated in the plan.

Public Safety, Dumps, and Utility Corridors

- Evaluate adequacy of communications, including emergency phones.
- Address the impacts and regulation of low flying aircraft.
- The scope of law enforcement, fire management and emergency medical services needs to be addressed.
- Address the existing and proposed dumps (e.g. Ward Valley, Yucca Mountain and Baker) in and around the planning area and their possible effects upon area resources.
- Examine the Department of Energy's nuclear waste transportation corridor plans.
- Describe plans for future utility corridors within the planning area. If new corridors are planned, then compliance, monitoring and reduction of impacts on adjacent habitat need to be evaluated and discussed.
- Evaluate adequacy of public sanitation facilities.
- Address user fees and discrepancy between fees and costs of public safety activities such as search and rescue and Medivac services.

Socioeconomics

- A socioeconomic study should be conducted. It should, at a minimum, examine development activities within and adjacent to the planning area; examine effects of existing and predicted populations, expected economic benefits and costs; and provide an updated visitor profile.
- Evaluate potential concession operations, including jeep tours that could provide access to many people and a concession/permit system permitting access on closed trails.
- Examine possible land exchanges to consolidate federal lands and recommend boundary adjustments.
- Evaluate the transfer of Providence Mountains State Park to Mojave National Preserve.
- Be cognizant of inholders' concerns that the NPS's management policies and potential increases in visitation will effect inholders' property and lifestyles.
- Evaluate visible light pollution affects on the night sky.
- Structure plan so that phases can be implemented under different funding levels.
- Recommend a system for approving, supervising, and coordinating research activities in the planning area.
- Ensure that each agency's management practices remain faithful to their mission statements.
- The needs of foreign tourists should be understood and accommodated in the planning area.

Mining

- Address impacts from operating and abandoned mines in and near the planning area boundaries, reclamation and revegetation plans, and adequacy of existing mitigation measures.
- Describe how mining plans on valid existing mining claims are processed, with examples of previously approved NPS mining permits.

Springs, Water Rights and Air Quality

- Restoration of numerous springs is needed (e.g. Marl Springs) to make them suitable for wildlife.
- Consider the possible effects of BLM and NPS activities and regional developments (e.g. Amargosa Valley and Yucca Mountain) on water quality and quantity and vegetation.
- Address Department of the Interior leadership needed in resolving water issues, including adjudication.
- Address water resource issues (e.g. potential conflict of federal management objectives for Ash Meadows area)
- Address deteriorating air quality within the planning area.

Access

- The plan needs to address the issue of access related to valid existing rights, permitted uses, general recreation and maintenance of facilities such as range improvements, wildlife guzzlers, communications sites, private lands, etc.
- Mojave Road and the Heritage Trail should remain open.
- Clarify and discuss legal and physical requirements for private landowner access to inholdings in the Preserve.
- Consider the deletion, addition, maintenance, paving and overuse of roads throughout the planning area.
- Address possible wilderness boundary modifications to allow vehicle passage through closed sections of the Heritage Trail.

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- Address the plans for general aviation and airports in the planning area.
- Consider Amtrak service at Kelso.

Military

- Address concerns about low level military aircraft overflights and fuel dumping by aircraft.
- Discuss impacts of Fort Irwin's proposed expansion on the planning area.

Wilderness, Camping, Nonmotorized Trails and Recreation

- Examine wilderness boundaries and access for possible adjustments.
- Address wilderness management guidelines and regulations regarding the maintenance and installation of big game and small game guzzlers in wilderness areas.
- Nonwilderness areas should remain open for multiple use and alternative areas should be provided for recreation opportunities no longer permitted in wilderness areas.
- Establish firewood and campfire policies.
- Look at campground location, numbers and the policies on group, universal access, backcountry and roadside camping.
- Address the adequacy of trailhead parking (especially for wilderness areas), the number and length of trails, the maintenance of trails, and the need for single or multiple trails for bicycles, hikers and equestrians.
- Address various recreation opportunities, including hang-gliding, trail bicycles, and rockhounding.
- Consider establishing carrying capacities and a planning area wide permitting system for heavily used areas.
- Address management issues regarding tour buses in the Preserve.

Biological Resources, Hunting and Grazing

- Address the NPS policy regarding guzzlers, recognizing the countless hours of volunteer work to install and maintain them, but also the implications of maintaining populations of wildlife artificially.
- Examine burro management within planning area and each of its sub-units and determine appropriate management policies for each area.
- Examine the hunting issue including access, visitor safety, elimination of trapping and nongame hunting and the importance of quail and chukar habitat.
- Address the issue of recreational shooting/plinking in the Preserve.
- Evaluate resource issue conflicts between grazing and wildlife habitat.
- Address grazing levels and long-term grazing management.
- Recognize that dolomite formations host many endemic plants.
- Address the recovery objectives for the desert tortoise established in the recovery plan.
- Consider options for controlling exotic species (tamarisk and others).
- Address impacts of mining on endangered bats.

Cultural Resources and Native Americans

- Address Native American participation in the planning process.
- Consider the Ft. Mojave, Chemehuevi, and Timbisha Shoshone tribal values.

- Address cultural resources management issues (e.g. trace trails, rock art, military and mining sites) and establish policies for their preservation, protection, interpretation and appropriateness of revealing their location.
- Examine how parts of the planning area should be managed for their (Native American) spiritual values.
- Address possible hunting/religious conflicts.
- Address whether archeological sites be identified and interpreted for educational value or locations kept secret to protect resources.
- The identification, interpretation and possible restoration of some culturally significant resources (e.g. Tidewater Tonopah Railroad, Death Valley mine structures, military sites, Work Progress Administration guzzler sites, trails, cultural landscapes and Dinosaur Trackway) should be addressed within plan.
- Some cultural elements of the desert should be restored, such as certain features along Historic Route 66.
- Examine the potential use of Kelso Depot as a visitor center for the Preserve.

PLANNING CONSTRAINTS AND MANDATES

Many planning decisions are limited by existing legal mandates. Endangered species, historical and cultural resources, and clean water and air are some areas in which existing laws can limit planning options. The National Park Service's Organic Act and the 1994 California Desert Protection Act, the enabling legislation for Mojave National Preserve, define the planning parameters and the mission of the National Park Service and Mojave National Preserve in preserving natural resources for the enjoyment of this and future generations. Planning constraints and some of the above laws may appear to conflict. The proposed plan in this document is the planning effort's result in balancing these issues. Below are some specific examples of planning constraints in the California Desert Protection Act.

- Grazing (sec. 510): The privilege of grazing domestic livestock on lands within the Preserve shall continue to be exercised at no more than the current level, subject to applicable laws and NPS regulations.
- Hunting (sec. 506(b)): Hunting, fishing, and trapping will be permitted, except that areas or periods may be closed for reasons of public safety, administration, or compliance with provisions of applicable law.
- Native American Access (sec. 705): Indian people are ensured access for traditional cultural and religious purposes, and portions of the park may be closed to the public temporarily to protect the privacy of such activities.
- Historical and Cultural Values (2)(b)(1)(C): The Preserve will protect and preserve historical and cultural values of the California desert associated with the ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroad history of the old West.
- Land Withdrawal, Mining, and Validity (secs. 507, 508, 509): Other than existing valid mining claims (now subject to NPS regulations) no new claims are allowed within the Preserve. Before approval of any mining operation plans, claims must be proven valid, and Congress must be notified of the acquisition costs and environmental consequences of mineral extraction.

- Research and Education Facilities (secs. 513, 514): Granite Mountains Natural Reserve and Soda Springs Desert Study Center are designated research and educational centers within the Preserve.
- Wilderness(sec. 601): Approximately 695,000 acres were designated as wilderness by Congress.
- Access to Private Property (sec. 708): The Secretary of the Interior will provide adequate access to lands or interests in lands not federally owned, which will provide the owner reasonable use and enjoyment.
- Rights-of-Way (sec. 511): Nothing in Title V of the act (establishment of Mojave) shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way issued, granted, or permitted to various utility companies and MolyCorp.
- Private lands (sec. 519): Lands not owned by the United States are not subject to regulations that apply only to federal lands. However, application of mineral development regulations (36 CFR Parts 9A and 9B) is not affected by this section.
- Reserved Water Rights (sec. 706): Congress has reserved a quantity of water sufficient to fulfill the purposes of the act.
- Military Overflights (sec. 802): Nothing in the act shall restrict or preclude low-level overflights of military aircraft over new units of the national park or wilderness preservation systems (or any additions to existing units) including overflights that can be seen or heard within such units.

In addition to the above examples, the threatened desert tortoise serves as the final example of planning constraints. The U.S. Fish and Wildlife Service prepared a Recovery Plan for the desert tortoise in 1994. In that document, recommendations are presented for the federal land-managing agencies to implement to enhance the desert tortoise's recovery and subsequent removal from the threatened species list. These recommendations have resulted in restrictions on land use planning and activities throughout most of the Preserve. Any proposed action that would cause harm to the tortoise or to its habitat is not permitted under the law without appropriate mitigating measures (see appendix E).

ACTIONS CONSIDERED FOR ALTERNATIVES BUT REJECTED

During development and public review of the *1998 Draft Environmental Impact Statement / General Management Plan* it was suggested that certain actions be evaluated as alternatives. Some of these actions would not be feasible or implementable by the agency, would violate agency regulations or policy, are beyond the scope of a general management plan, or do not fulfill the purpose and need for this effort as identified in the Introduction.

1. Elimination of all grazing from NPS units
2. Banning hunting from Mojave National Preserve
3. Declaring the desert tortoise as a nonthreatened species
4. Eliminating or reducing wilderness areas, or allowing motorized vehicles use on routes now in wilderness
5. Providing for a small, corralled herd of burros within NPS units
6. Allowing rock and gem collection
7. Consideration of RS-2477 route assertions

1. Eliminate all cattle grazing.

It was suggested that the National Park Service not allow cattle grazing in the Preserve. This course of action would not meet our stated purpose and need for developing an implementable management plan for the Preserve that meets all mandates from Congress and complies with all applicable laws and regulations. This alternative would directly violate the California Desert Protection Act, which mandates continuation of grazing at current levels pending acquisition of base property. However, the proposed course of action evaluated in alternative 1 would essentially achieve this same result, but through the stated intent to pursue purchase of the permits by third parties and then permanent retirement of donated permits. We believe this action is implementable as a management strategy.

2. Ban all hunting

Likewise, the outright banning of all hunting would also not meet our stated purpose and need for developing an implementable management plan for the Preserve that meets all mandates from Congress and complies with all applicable laws and regulations. This alternative would directly violate the California Desert Protection Act, which mandates the continuation of hunting, fishing and trapping. The proposed action seeks to provide a reasonable, balanced approach consistent with the California Desert Protection Act, the NPS mission and the goals of the Desert Tortoise Recovery Plan.

3. Declare the desert tortoise as non-threatened

Declaring the desert tortoise as a non-threatened species is not feasible because it is not within the National Park Service authority. The U.S. Fish and Wildlife Service listed the tortoise as a threatened species and they are the only agency that can delist it. To ignore the listing status would also not be consistent with our management goal of creating an implementable management plan that meets all mandates from Congress and complies with all applicable laws and regulations. It would also not be consistent with our mission of preserving native species.

4. Eliminate or reduce wilderness areas, or allow motorized vehicles on all roads

This course of action is contrary to our stated purpose and need for developing an implementable management plan for the Preserve that meets all mandates from Congress and complies with all applicable laws and regulations. This alternative would also be contrary to the California Desert Protection Act, which created the wilderness areas. As far as allowing motorized use of roads in wilderness, the Wilderness Act provides prohibits motorized vehicles and mechanized equipment. Changes to this situation would require legislation and cannot be accomplished through agency planning documents.

5. Provide for a small, corralled herd of burros

It is not necessary to evaluate this very specific action as an alternative. This option could be considered under any of the alternatives, assuming that the corralled herd was retained for use as pack stock or as a living history component of a mining interpretive demonstration. However, unless a specific use for the herd was identified, retention of such a herd would be costly and would not meet our stated purpose and need of adopting a management plan consistent with our agency mission and the legislative intent of the Preserve.

6. Allow rock and gem collection

This course of action is contrary to our stated purpose and need for developing an implementable management plan for the Preserve that meets all mandates from Congress and complies with all applicable laws and regulations. This alternative would also be contrary to the National Park Service mission of resource preservation and would violate agency policy and regulations. Resource collection activities such as this are only allowed when Congress specifies in the enabling legislation that such collection is one of the purposes of the unit.

7. RS-2477 route assertions

Revised Statute 2477 concerns rights-of-way established across public lands under the Mining Act of 1866. Although repealed by Congress in 1976 with enactment of the Federal Land Policy and Management Act, routes that existed prior to October 21, 1976 may “qualify” as an RS-2477 right-of-way. However, a right-of-way asserted under RS-2477 is not automatically assumed to be valid. Regardless of whether a party can successfully assert a valid claim to a right-of-way across national park land, the NPS retains the authority to regulate use of an RS-2477 right-of-way. *See U.S. v. Vogler*, 859 F.2d 638, 642 (9th Cir. 1988). Determinations of RS-2477 right-of-way assertions are not planning decisions and are not appropriately addressed in the NEPA process.

RELATIONSHIP TO OTHER PLANNING EFFORTS

In preparing this document, the Northern and Eastern Mojave planning team strived to use the best available information and to coordinate with other planning efforts in adjacent areas. The Northern and Eastern Mojave planning team used the following documents as background information:

- the BLM’s 1980 *California Desert Conservation Area Plan* and its environmental impact statement and supporting documents
- the 1989 Death Valley National Monument *General Management Plan* and its 1994 Resource Management Plan
- the BLM’s 1994 *Las Vegas Resource Area Resource Management Plan*
- the U.S. Forest Service’s 1996 *Spring Mountains National Recreation Area Plan*
- the BLM’s 1997 *Environmental Impact Statement* for the proposed land acquisition by Army National Training Center at Fort Irwin
- BLM’s *East Mojave Scenic Area Plan*

The Northern and Eastern Mojave planning team also worked closely with the other planning efforts, including the Bureau of Land Management’s West Mojave Plan and Northern and Eastern Colorado Coordinated Planning Effort. Descriptions of these efforts follow:

WEST MOJAVE PLAN

The West Mojave Plan is a multi-agency planning effort involving the Bureau of Land Management, the U.S. Fish and Wildlife Service, the California Department of Fish and Game (CDF&G), and local governments. The West Mojave Plan is developing habitat management alternatives that will recommend amendments to the BLM’s *California Desert Conservation Area Plan*. It is intended to provide for continued use and development within a 9.4-million-acre area of the western Mojave Desert of southern California in a manner that will ensure conservation of listed plant and animal species and minimize impacts on critical portions of their supporting habitats. The area extends from Olancho on the north to the San Gabriel and San Bernardino mountains on the south, and from

Antelope Valley on the west to Twentynine Palms on the east. This planning area and Northern and Eastern Mojave planning area share the same, respectively, eastern and western boundary.

The goals of the West Mojave Plan are to provide recovery of federally listed and state-listed plant and animal species as viable wild populations, to conserve critical elements of supporting habitats, to allow resource use and community expansion, and to simplify and reduce the regulatory burden of permitting processes for projects on public and private lands.

Two species that are especially targeted for management protection by this plan are the desert tortoise (*Gopherus agassizii*) and the Mohave ground squirrel (*Spermophilus mohavensis*).

The West Mojave plan report is still in the draft preparation stage, and details of the proposed or preferred amendments to the *California Desert Conservation Area Plan* are not yet available.

NORTHERN AND EASTERN COLORADO DESERT COORDINATED MANAGEMENT PLAN

This planning area is a 5.5 million-acre area that is south of the Northern and Eastern Mojave planning area. The following description of this planning effort is from the *Northern and Eastern Colorado Desert Coordinated Management Plan: Preparation Guide* prepared by the Bureau of Land Management in 1994.

The primary purpose of this plan is to provide for the recovery of the threatened Desert Tortoise that was listed as a threatened species by the U.S. Fish and Wildlife Service in 1990...The plan will implement the recommendations of the U.S. Fish and Wildlife Service's Recovery Plan. The purpose is also to address management of the diversity of all plants and wildlife in ecosystem principles. This focus will address all plants and animals in a systems context (habitats) and selected species (i.e., about 62 flagship and special status species) in particular. Land users and managers will benefit through resolution of land use conflicts in a regional context and more efficient and consistent project review and processing.

The plan will set standards for managing desert tortoise, other special status species, and habitats within the planning area by defining zones and management prescriptions within and by which they will be managed indefinitely for their individual and interdependent qualities. Zones will also be identified for which Biodiversity values will not receive priority emphasis over other resource management programs. Routes of travel across public lands will be designated as open, closed or limited.

The final plan will function as a habitat management plan and will also amend the 1980 *California Desert Conservation Area Plan*.

LAS VEGAS RESOURCE MANAGEMENT PLAN

The *Stateline Resource Area Draft Resource Management Plan/Environmental Impact Statement* was released in 1992. Since then, the Bureau of Land Management renamed the Stateline Resource Area as the Las Vegas Field Office. The *Proposed Las Vegas Resource Management Plan and Final Environmental Impact Statement* was released in May 1998. This plan provides management guidance for about 3.7 million acres of public land administered by the Bureau of Land Management in the Las Vegas Field Area. The plan focuses on six management issues: land tenure, desert tortoise, mineral development, off-road vehicle use, special management area, areas of critical environmental concern, and utility corridors. The *Record of Decision on the Las Vegas Resource Management Plan and Final Environmental Impact Statement* was released 1998, completing this planning effort.

SPRING MOUNTAINS NATIONAL RECREATION AREA PLAN

In 1996 the final management plan was prepared for Spring Mountains National Recreation Area. This plan, which amended the *Toiyabe National Forest Land and Resource Management Plan*, resulted in the following actions:

- unified management direction for the Spring Mountains National Recreation Area under a single plan
- identified lands suitable for recreation development, mining, and other uses
- recommend changes in special area designations (wilderness, research natural areas, and scenic byways)
- established a for Spring Mountains National Recreation Area monitoring and evaluation program
- developed new management prescriptions and established two new management areas

FORT IRWIN PROPOSED EXPANSION

The initial 1988 Army proposal was to expand generally to the south into the “Coyote Basin” area, which involved the proposed withdrawal of approximately 250,000 acres of public lands. In 1991, the U.S. Fish and Wildlife Service issued a draft “jeopardy” biological opinion.

In September 1992, the Army identified a new expansion proposal which was referred to as the “Silurian-Mojave B” alternative. This redesigned expansion proposal involved approximately 327,000 acres of proposed public land withdrawal in the Silurian Valley east of the National Training Center (NTC), another 2,560 acres along the south NTC boundary, and proposed joint use of approximately 160,200 acres of lands currently under Department of the Navy jurisdiction in the Randsburg Wash and Mojave B test ranges west of the NTC.

Based on objections from Navy, a revised Army proposed action became the “Silurian” alternative and involved approximately 330,000 acres, of which approximately 310,000 acres are public lands. Formal consultation with U.S. Fish and Wildlife Service was re-initiated in April 1993 for the revised Army proposal, and a no jeopardy biological opinion was issued on August 19, 1993.

A draft environmental impact statement (DEIS) was released on January 3, 1997 with an initial 90-day public comment period scheduled to end April 4, 1997. The DEIS comment period was extended an additional 60 days, and ended on June 3, 1997 in San Bernardino, Victorville, Barstow, Baker, Sacramento, and Pasadena, California. Issues addressed in the DEIS include the potential impact on major utility corridors, State Highway 127, the threatened desert tortoise, bighorn sheep and riparian habitats, mineral development, cultural resources in the Salt Creek and Denning Springs Areas of Critical Environmental Concern (ACEC), air quality, five legislative wilderness study areas, public access, and public health and safety.

In 1997 and 1998, discussions between the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the Army explored the potential for a southern expansion configuration that could meet the Army need and, through a habitat compensation/land exchange transaction, possibly enable significant consolidation of important desert tortoise recovery areas in the Western Mojave. The Bureau of Land Management completed a detailed assessment of southern expansion scenarios with applied mitigation and compensation. A “limited southern expansion” configuration and mitigation/compensation package was identified by the Bureau of Land Management and provided to the Army NTC. It involved 128,000 acres: 45,000 acres in East Gate, and 82,000 acres in the coyote Basin east of Fort Irwin Road.

In April 1999, the Army identified their current proposed expansion of 174,000 acres: 45,961 acres in East Gate (eastern expansion), 21,120 acres north and west of Coyote Lake (southern expansion), 83,721 acres in Superior Valley (southwest and west expansion), and conversion of 23,659 acres on-post from tortoise management zone to armored training. The Bureau of Land Management and the U.S. Fish and Wildlife Service are currently evaluating the current Army proposal.

WARD VALLEY (NUCLEAR DUMP) LOW LEVEL RADIOACTIVE WASTE DISPOSAL SITE

The Ward Valley Project south of I-40 and Mojave National Preserve, near the California–Nevada border, and about 25 miles west of Needles, California is proposed as a subsurface storage site for low-level radioactive waste. The sale of federal land for the project was recently cancelled by the federal government and litigation is now being pursued by the project proponent, U.S. Ecology.

CASTLE MOUNTAIN MINE EXPANSION

Viceroy Gold Corporation, the operator of Castle Mountain Mine, which is adjacent to the eastern boundary of the Preserve, received approval to expand its mining operation by increasing areas of open-pit mining, creating an overburden storage site, and expanding the existing heap leach pad by 75 acres. Back-filling of the mine pits was also approved for about 158 acres. The mine operating period was extended 10 years past the currently permitted time, to the year 2010. Mining and processing methods and rates would not change. At the conclusion of mining operations, the total surface area disturbed would be less than 1,375 acres. In late 1999, Viceroy announced plans to shut down operations at the mine within two years.

MOLYCORP INC. PROPOSED MINE EXPANSION AND HAZARDOUS SPILL STATUS

Molycorp mine is located at Mountain Pass, California, along I-15 adjacent to Mojave National Preserve. Two projects proposed by Molycorp Inc., are planned adjacent to the Preserve boundary. Molycorp operates a large open pit mine and chemical processing facility that reduces bastanite ore to rare earth minerals (lanthanides) that are used in a variety of energy, environmental, petroleum refining, lighting, and communication applications. Appropriate environmental review will be conducted for each effort. Molycorp has proposed an expansion of the mining operation, management at the mine has decided that future operations will be conducted without the waste water pipeline (which is expected to be removed) and evaporation/infiltration ponds located on the Ivanpah Playa. The pipeline runs from a lanthanide rare earth mining/processing plant in Mountain Pass, California, to Ivanpah Dry Lake Bed near the California-Nevada state line adjacent to I-15.

Between July and August of 1996, Molycorp released approximately 350,000 gallons of pipe scale and waste effluents at eleven locations along the 14-mile-long waste pipeline that runs through Mojave National Preserve and the BLM Needles Resource Area. The releases were associated with the pigging (cleaning) of the pipeline. The waste material released from the pipeline, which is owned and maintained by Molycorp, contains radioactive radium, thorium, and uranium, as well as lead and arsenic. In the fall of 1998, Molycorp reported the results of an extensive pipeline related records search including approximately 60 additional releases of various sizes. These releases will be investigated in preparation for the abandonment/removal of the wastewater pipeline. In January of 1999, Molycorp reported that over 2,000 releases had been documented over the life of operation. This information will be reviewed in greater detail during the environmental review process undertaken for the mine expansion and wastewater pipeline abandonment/removal proposals.

The releases occurred in or adjacent to habitat that has been designated as critical for the desert tortoise, a State and Federally listed threatened species. The cleanup has been managed through an

interagency cooperative effort. Primary agency representatives to the team include personnel from the Department of the Interior (National Park Service, Bureau of Land Management, Fish and Wildlife Service), California Department of Fish and Game, California EPA, California Department of Toxic Substances, Lahontan Regional Water Quality Control Board, California Department of Health Services, Radiological Health Branch and Environmental Health Investigation Branch, and San Bernardino County (Land Use Services Department, County Fire/Hazardous Materials Division). Additional cooperating agencies are involved, but play a less prominent role. As of April 30, 1999, approximately 68 tortoises had been relocated due to clean-up project related concerns, and more than 20,000 feet of tortoise exclusion fencing had been installed. The removal of the release materials is critical to maintaining the quality of the aquifer and preventing further dispersal by wind.

Pipeline spill related investigations indicate that significant offsite impacts may have occurred through windblown and waterborne erosion processes. The interagency group will continue to provide oversight and technical review of MolyCorp sponsored investigations and clean up activities.

AT&T COAXIAL CABLE REMOVAL PROJECT

The AT&T P-140 coaxial cable was removed in October/November 1999. The removal operation was completed according to plans with a minimum of difficulty and environmental impacts were within projected parameters (National Park Service, *Final Environmental Impact Statement, P-140 Coaxial Cable Removal Project, Socorro, New Mexico to Mojave California*. December 1998). No desert tortoise were injured or killed and very few live tortoises were found by project biologists during the removal operation. Based on predetermined calculations to estimate compensation acreage, AT&T will purchase and donate to the Preserve 209.4 acres of category one desert tortoise critical habitat.

Closures of selected portions the AT&T access corridor, as determined in the EIS process, are now in effect. Maintenance of these closed areas and enforcement of the closure will continue to be problematic. Small-scale revegetation efforts will be carried out in several areas along the corridor using creosote seedlings grown from local seed, contouring, and mulching. In collaboration with researchers from the Biological Resources Division of the U.S. Geological Survey, the Preserve is conducting research along the corridor to assess recovery rates of vegetation within the disturbed area of the project. This research will further understanding of how desert plant communities respond and evolve after disturbance events.

UNION PACIFIC RAILROAD DOUBLE TRACKING PROJECT

The Union Pacific Railroad runs across Mojave National Preserve, from the Devil's Playground to the Ivanpah Valley. Union Pacific proposes to install a second mainline track within its right-of-way from the Kelso Depot to the town of Cima. This 22-mile second track would be constructed to provide more efficient movement of trains to accommodate proposed Amtrak Service between Los Angeles and Las Vegas. The second mainline track would cross 26 desert washes and necessitate the modification of the bridges over these washes. The bed for this second set of tracks is already in place.

NPS has initiated the special use permit process for this construction, which triggers a NEPA analysis. Therefore, Mojave is currently working with Union Pacific Railroad to prepare an environmental assessment to analyze the potential impacts of the proposed project. In addition, a biological assessment is under preparation that analyzes impacts to the desert tortoise and its habitat. NPS will initiate formal Endangered Species Act Section 7 consultation on the project. A Corps of Engineers section 404 permit is also required for this project due to the activities in washes.

CADIZ GROUNDWATER STORAGE AND DRY YEAR SUPPLY PROGRAM

The Cadiz Groundwater Storage and Dry Year Supply Program is a project proposed by the Metropolitan Water District of Southern California (MWD) and Cadiz, Inc. to store and retrieve excess Colorado River water in a groundwater aquifer shared by Mojave National Preserve. In addition, the project would pump up to 30,000 acre-feet of indigenous groundwater per year from the basin for shipment to Los Angeles.

Mojave National Preserve is located approximately 15 miles north of the main project area. The project area and proposed conveyance pipeline are located on public land managed by the Bureau of Land Management and private land owned by Cadiz, Inc. Fenner Basin, which is expected to provide the primary source of natural recharge groundwater to the Cadiz Project, runs nearly 30 miles into the Mojave National Preserve, and is one of the park's major groundwater aquifers. The Cadiz Project has the potential to adversely affect the groundwater resources of Mojave National Preserve and air quality in the Preserve.

A Draft EIS was issued to the public on the project. Groups or agencies that commented included NPS, USGS, EPA, county of San Bernardino, National Parks Conservation Association, and the Sierra Club. NPS and other reviewers found the EIS and supporting hydrologic documents to be seriously flawed.

Based on comments received on the Draft EIS, BLM and MWD have decided to issue a Supplemental Draft EIS. NPS has accepted BLM's request to serve as a cooperating agency on the project. Currently, the lead (BLM and MWD) and cooperating agencies (NPS, USGS, Fish and Wildlife Service) are working to complete the Supplemental EIS and modify the project proposal so it will be acceptable to the potentially affected stakeholders. Mojave National Preserve remains concerned about potential impacts to its air and water resources.



Mojave mound cactus



Lanfair Valley